PENFIELD TOWN BOARD AGENDA
Wednesday, November 6, 2013 7:30 PM
Supervisor R. Anthony La Fountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes – October 2, 2013

VI Petitions

VII Resolutions by Function

   Law and Finance
   #13T-200 Authorize the Town Supervisor to sign Agreement with New Horizons’ Computer Learning Centers
   #13T-201 An Order providing for the Establishment of Extension No. 56 to the Penfield Consolidated Sanitary Sewer District – Parkview Drive/White Village Drive Area Sewer Project
   #13T-202 Bond Resolution Authorizing General Obligation Bonds of the Town of Penfield to Finance Sewer System Capital Improvements within the Town, Authorizing the issuance of Bond Anticipation Notes in Contemplation thereof, the Expenditure of Sums for such Purpose and Determining other Matters in Connection therewith
   #13T-203 Setting a Public Hearing for Adoption of Local Law No. 1 of 2013 to be known as “A Local Law Extending the Moratorium and Prohibition within the Town of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes”

   Public Works
   #13T-204 Authorization to Extend Intermunicipal Snow & Ice Agreement with Monroe County Department of Transportation
   #13T-205 Authorization to Extend Snow & Ice Agreement with New York State Department of Transportation
   #13T-206 2014 Turf and Field Mowing for the Town of Penfield

   Public Safety - None

   Community Services
   #13T-207 Update to Parks, Recreation, Facilities Fee Schedule and Cancellation Policy

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, November 6, 2013 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
Linda Kohl Councilwoman
Paula Metzler Councilwoman
Andrew Moore Councilman
Robert Quinn Councilman

Also
Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order - The Pledge of Allegiance was led by members of the audience.

Supervisor LaFountain requested a moment of silence for longtime resident Ona Embrey who passed away on November 5, 2013. She was known in the community as co-owner of Embrey’s Drugstore in the Four Corners and Embrey’s Liberty Hollow restaurant.

Captain Dick Freitas announced that on Sunday, November 10 a free history talk on the War of 1812 will be held at the Penfield Community Center, 1985 Baird Road as part of the Daytime Education and Recreation (DEAR) Program. The program will take place from 1:00 PM to 3:00 PM. For more information log on to www.penfieldrec.org or contact Mr. Freitas at 585-381-1911 or 585-472-6162.

Communications and Announcements

1. Town Clerk Amy Steklof congratulated Supervisor LaFountain, Councilman Moore, Councilwoman Metzler and Town Justice Jim Mulley on their re-election win and for running a successful and positive campaign. Town Clerk Steklof also thanked the Town residents who came out to vote.

Supervisor LaFountain congratulated Town Clerk Steklof on her re-election as Town Clerk.

2. If you were inconvenienced by the (DECALS) Department of Environmental Conservation Automated Licensing System’s programming error last week, please contact the (DMP) Deer Management Permits hotline at 1-866-472-4332.

3. Penfield Recreation and the Penfield American Legion Braman Post will hold a Veterans Resource Day on Thursday, November 7, 2013 from 10:00 AM to 1:00 PM at the Penfield Community Center. For more information and to register for lunch call Penfield Recreation at 340-8664.

4. Winter parking rules will be in effect from November 15, 2013 through April 1, 2014. No parking will be allowed on all roads and highways between 2:00 AM and 7:00 AM.

5. Councilman Quinn congratulated his Brother-In-Law on the birth of his second son.

6. The Penfield Players presents their fall comedy “Born Yesterday” by Garson Karin, directed by Tom Bigongiari. Performances will be held Fridays: November 1, 8, 15 and Saturdays: November 2, 9 and 16 at 8:00 PM at the Penfield Community Center. Tickets are $12 in advance at www.penfieldplayers.org, or $15 at the door.

7. Rental of Town lodges for 2014 will begin on Wednesday, December 4, 2013 at 10:30 AM by going online at www.penfield.rec.org or by going to the Recreation office.
8. The Town Offices will be closed on Monday, November 11, 2013 in observance of Veteran’s Day and on Thursday, November 28 and Friday, November 29 in observance of the Thanksgiving Day Holiday.

9. There will be a free guided hike at Webster Park on Saturday, November 9, 2013, from 10:00 AM to Noon. Look for the “hike” signs on Holt Road. Participants will need to register in advance by calling the Recreation department at 340-8655. For more information on free guided hikes visit www.penfieldrec.org.

10. The Annual Family Holiday event at the Penfield Community Center will be held on Friday, December 6, 2013. Check online at www.penfieldrec.org for upcoming details.

11. The Penfield Recreation Department and the local chapter of USA Track and Field will host the 2013 USATF Niagara Association Junior Olympics Cross Country Championships on Sunday, November 10, 2013 at Rothfuss Park, 1648 Five Mile Line Road. For more information go to the USA Track and Field website at www.usatf-niagara.org or go to their Facebook page.

12. Councilwoman Kohl’s next Community Chat will be held on Tuesday, November 19, 2013 from 5:30 to 7:00 PM at the Penfield Library.

Public Participation

Jeff Burns, 39 Scarborough Park congratulated the Republican candidates on their election victory and thanked the Town Board for their public service. He stated that he appreciates all the hard work that the elected officials do. Mr. Burns read a statement thanking those who supported his campaign and encouraged residents to get more involved in Local Government.

Tim Murphy, 48 Corral Drive, congratulated all the winning candidates in yesterday’s Penfield election. Mr. Murphy suggested to the Town Board that they recognize Irene Gossin for her past service to the community. Mr. Murphy stated that he will be forwarding to the Town Board suggestions and ideas that he compiled during his campaign.

Legislator Dan Quatro, 488 Plank Road congratulated the winning candidates and commended them for running a positive and clean campaign. He stated that he has enjoyed working with and campaigning with the Republican team and stated that now that the election has ended everyone can focus on governing. Legislator Quatro also stated that he and Legislator Drawe are focusing on protecting the tax payers in this community at the County level. Lastly, Legislator Quatro stated that he is convinced that Penfield is the best represented community in Monroe County and that the elected officials in Penfield do the best job which is proven by the quality of life enjoyed in Penfield.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 2, 2013, Councilman Quinn seconded and all voted “Aye.”

Petitions - None
#13T-200  Authorize the Town Supervisor to sign Agreement with New Horizons’ Computer Learning Centers by Moore

WHEREAS, the Town of Penfield is updating all workstations from 2003 Microsoft, to 2013 Microsoft, and

WHEREAS, the Town of Penfield has identified a need for training on Microsoft 2013 products, and

WHEREAS, proposals were received and reviewed from various vendors,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board Authorize the Town Supervisor to sign the agreement for training on Microsoft 2013 with New Horizons’ for all employees affected.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the cost for training is set at one hundred fifteen dollars per person.

Moved: Moore
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#13T-201  An Order providing for the Establishment of Extension No. 56 to the Penfield Consolidated Sanitary Sewer District - Parkview Drive/White Village Drive Area Sewer Project by Moore

WHEREAS, a Public Hearing was held on October 16, 2013 at 7:30 PM prevailing time, at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, to consider the Petition and to hear all persons interested in the establishment of Extension No. 56 to the Penfield Consolidated Sanitary Sewer District (Parkview Drive / White Village Drive Area Sewer Project), and

WHEREAS, the Town Board did hear comments from several residents, which were answered at said Hearing, none of which were negative or substantive enough to warrant further investigation, and

NOW THEREFORE, BE IT RESOLVED, that the annexed Order be executed by the Town Supervisor and members of the Town Board to establish Extension 56 to the Penfield Consolidated Sanitary sewer District for the (Parkview Drive / White Village Drive Area Sewer Project).

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Moved: Moore
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted
WHEREAS, the Town of Penfield Extension 56 to the Penfield Consolidated Sanitary Sewer District is a Sewer Extension of the Town of Penfield, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated there under ("SEQRA"), has completed its environmental review and, on September 18, 2013, has duly adopted a Negative Declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Penfield shall undertake the acquisition and construction of sewer improvements for Extension 56 to the Penfield Consolidated Sanitary Sewer District, and the acquisition of land or rights in land necessary therefore, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed $2,440,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, are estimated to be $2,440,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this Resolution will be in excess of five (5) years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this Resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any.
Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this Resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town’s Chief Fiscal Officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this Resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Penfield.

Section 7. The faith and credit of the Town of Penfield, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefore, in the manner provided by Law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This Resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Penfield together with a Notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by Law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of Law which should be complied with, at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This Resolution shall take effect immediately upon its adoption.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
       Metzler Aye Moore Aye
       Quinn Aye

Adopted
#13T-203 Setting a Public Hearing for Adoption of Local Law No. 1 of 2013 to be known as “A Local Law Extending the Moratorium and Prohibition within the Town of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes” by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2013 which would extend the moratorium and prohibition within the Town of Penfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes; and

WHEREAS, the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on December 4, 2013, at 7:30 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2013 which would extend the moratorium and prohibition within the Town of Penfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes, a copy of which is attached hereto and made a part hereof known as Schedule “A”; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof to be not less than three (3) days and not more than thirty (30) days before the date set for the said Public Hearing, as aforesaid.

Moved: Moore
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

See Schedule “A” at end of Minutes

Public Works

#13T-204 Authorization to Extend Intermunicipal Snow and Ice Agreement with Monroe County Department of Transportation by Metzler

BE IT RESOLVED: That the Supervisor, be and hereby is authorized to execute a one (1) year extension to the Snow and Ice agreement between the Town of Penfield and Monroe County Department of Transportation for the 2013/2014 snow & ice season.

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted
#13T-205 Authorization to Extend Snow and Ice Agreement with New York State Department of Transportation by Metzler

BE IT RESOLVED: That the Supervisor, be and hereby is authorized to execute a one (1) year extension to the Snow and Ice agreement No. D139815 between the Town of Penfield and New York State Department of Transportation for the 2015/2016 snow & ice season.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#13T-206 2014 Turf and Field Mowing for the Town Of Penfield by Metzler

BE IT RESOLVED, that the Town of Penfield Department of Public Works be authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield with the following:

Bid to perform Turf and Field Mowing for the Town of Penfield

BE IT FURTHER RESOLVED, that the 2014 mowing services covered by such sealed proposals are in accordance with the specifications prepared by the Director of Public Works, and on file with the Town Clerk. The sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM local time on Tuesday, November 26, 2013 and then and there be opened and read publically.

Moved: Metzler
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Public Safety - None

Community Services

#13T-207 Update to Parks, Recreation, Facilities Fee Schedule and Cancellation Policy by Kohl

WHEREAS, the Town of Penfield adopted updated fee schedule and Cancellation Policy for Parks and Facilities for Park Lodges / Open Shelters:

WHEREAS, the Town Board has reviewed updated recommendations:

NOW, THEREFORE, BE IT RESOLVED, that the fee structure for Enclosed Lodges / Open Shelter and Cancellation Policy be as follows:

Dolomite and Harris Whalen Enclosed Lodges Cancellation Policy
  • Cancellation policy of $50.00 non refundable
  • Cancellations made within 60 days or less of rental date, no refund issued

Open Shelter Cancellation policy:
  • Open Shelters Fee of $10.00
  • Cancellations made within 14 days or less of rental date, no refund issued
Enclosed Lodges and Open Shelters Fee “Rental Rates” adjustment for 2014 rentals

Channing Philbrick Park and Veterans Memorial Park Open Shelters
- Resident $22.00 / $19.00 self serve on-line reservation
- Non resident $33.00 / $29.70 self serve on-line reservation

Harris Whalen Park Open Shelter
- Resident $33.00 / $29.70 self serve on-line reservation
- Non resident $44.00 / $39.60 self serve on-line reservation

Dolomite Enclosed Lodge
- Resident Weekday Rate M-Th $165.00 / $148.50 self serve on-line reservation
- Non-Resident Weekday Rate M-Th $275.00 / $247.50 self serve on-line reservation
- Resident Weekend Rate F-Su $220.00 / $198.00 self serve on-line reservation
- Non-Resident Weekend Rate F-Su $330.00 / $297.00 self serve on-line reservation
- Resident Thanksgiving Rate $275.00 / $247.50 self serve on-line reservation
- Non-Resident Holiday Rate $385.00 / $346.50 self serve on-line reservation

Harris Whalen Enclosed Lodge
- Resident Weekday Rate M-Th $110.00 / $99.00 self serve on-line reservation
- Non-Resident Weekday Rate M-Th $165.00 / $148.50 self serve on-line reservation
- Resident Weekend Rate F-Su $165.00 / $148.50 self serve on-line reservation
- Non-Resident Weekend Rate F-Su $220.00 / $198.00 self serve on-line reservation
- Resident Thanksgiving Rate $220.00 / $198.00 self serve on-line reservation
- Non-Resident Holiday Rate $275.00 / $247.50 self serve on-line reservation

AND, FURTHER BE IT RESOLVED this Fee Schedule and Cancellation Policy revisions shall become effective for reservation / programs taking place beginning December 4th, 2013.

Moved: Kohl
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye Metzler Aye Moore Aye Quinn Aye

Adopted

Old Business - None

New Business - None
Public Participation

The Town received information via Twitter from a resident regarding Penfield Road being very dark and that sidewalks are intermittent in that area.

Supervisor LaFountain stated the Town will follow-up with the resident on the matter.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:17 PM.

Amy Steklof, RMC
Town Clerk
TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2013

A LOCAL LAW
EXTENDING
THE MORATORIUM ON AND PROHIBITION OF
GAS AND PETROLEUM EXPLORATION AND EXTRACTION ACTIVITIES,
UNDERGROUND STORAGE OF NATURAL GAS,
AND
DISPOSAL OF
NATURAL GAS FOR PETROLEUM, EXPLORATION, AND
PRODUCTION WASTES
WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes in the Town of Penfield, originally enacted as Local Law No. 1 of 2012, is hereby extended until December 31, 2014, or until a duly enacted repeal of said Local Law No. 1 of 2012 as so extended, whichever shall first occur.

Section 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 3. This Local Law shall take effect immediately.